

REMARKS

Claims 1-24 are pending in the application.

Claims 1-24 have been rejected.

Claims 1, 9 and 20 have been amended as set forth herein.

Claims 1-24 remain pending in this application.

Reconsideration of the claims is respectfully requested.

I. **CLAIM REJECTIONS -- 35 U.S.C. § 103**

Claims 1-18 and 20-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,173,910 to *Goodman* (hereinafter “Goodman”) in view of U.S. Patent Publication No. 2002/0145979 to *Baj* (hereinafter “Baj”). Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Goodman in view of Baj, and further in view of U.S. Patent Publication No. 2002/0114317 to *Dorenbosch, et al.* (hereinafter “Dorenbosch”). The Applicants respectfully traverse the rejections.

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or

suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142. In making a rejection, the examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), viz., (1) the scope and content of the prior art; (2) the differences between the prior art and the claims at issue; and (3) the level of ordinary skill in the art. In addition to these factual determinations, the examiner must also provide "some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." (*In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir 2006) (cited with approval in *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007)).

Claim 1 has been amended to recite "a simulator configured to verify a connection to the originating terminal through a signaling connection between the test controller and the originating terminal, wherein the connection is verified by simulating a connection to the originating terminal using a test call comprising at least one voice path within the switching fabric".

The Applicants respectfully submit that none of the cited references teaches or suggests simulating a connection to the originating terminal using a test call comprising at least one voice path within the switching fabric. Paragraph [0026] of the Applicants' disclosure, for example, states:

[0026] The testing of telecommunication device 210 is performed by test controller 240. Test controller 240 includes a software simulator that coordinates the verification of both the voice and signaling functionality of telecommunication device 210. Test controller 240 has a signaling connection to telecommunication device 210 to send and receive signaling messages to and from telecommunication device 210 over a signaling path (indicated by the dotted line). For example, test controller 240 is configured to send a signaling message to device controller 220 within telecommunication device 210 that instructs device controller 220 to set-up a

test call using one or more voice paths within switching fabric 230. As another example, test controller 240 is configured to receive a signaling message from device controller 220 within telecommunication device 210 indicating whether the attempted call set-up failed or succeeded. Thus, test controller 240 simulates the interface to telecommunication device 210 using the appropriate protocol for telecommunication device 210.

Accordingly, for at least the reasons established above, the Applicants respectfully submit that amended Claim 1 is patentable over the cited references.

Independent Claims 9 and 20 have been amended to recite elements analogous to the novel elements emphasized above in traversing the rejection of Claim 1 and, therefore, also are patentable over the combination of cited references. Additionally, Claims 2-8, Claims 10-19 and Claims 21-24 depend from Claims 1, 9, and 20, respectively, and include all the elements of their respective base claims. As such, Claims 2-8, 10-19, and 21-24 also are patentable over the combination of cited references.

Accordingly, the Applicants respectfully request that the § 103 rejections of Claims 1-24 be withdrawn.

CONCLUSION

As a result of the foregoing, the Applicants assert that the remaining Claims in the Application are in condition for allowance, and respectfully request an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckcarter.com*.

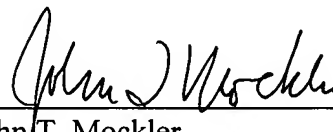
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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Date:

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